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## United States Department of the Interior

BUREAU OF RECLAMATION  
OFFICE OF THE DEPUTY COMMISSIONER  
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DENVER, COLORADO 80225-0007

JAN 15 1990

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## Memorandum

To: Regional Director, Billings MT  
Attention: GP-100  
Project Manager, Loveland CO

From: **ACTING** Deputy Commissioner

Subject: Final Ruedi Round II Water Marketing Program Record of Decision  
(Your Memorandum Dated January 5, 1990) (Water Marketing,  
Environmental Statement)

An original of the Final Record of Decision for Ruedi Round II Water Marketing Program, Ruedi Reservoir, Fryingpan-Arkansas Project, Final Supplement to the Final Environmental Statement, has been signed and is enclosed for your use. We understand that the Projects Office will distribute the Record of Decision as appropriate.

Dennis E. Schroeder

Enclosure

Ruedi Reservoir  
Fryingpan-Arkansas Project  
Final Supplement to the Final Environmental Statement  
Round II Water Marketing Program  
Record of Decision

January 1990

I. Introduction

This document constitutes a Record of Decision (ROD) of the Department of the Interior, Bureau of Reclamation (Reclamation), Great Plains Region, regarding the preferred alternative for the Ruedi Reservoir Round II water marketing program. The proposed action was described in the Final Supplement to the Final Environmental Statement, Fryingpan-Arkansas Project, Colorado (FSES-89-19), dated August 1, 1989, developed in compliance with the National Environmental Policy Act (NEPA).

II. Recommended Decision

The recommendation is to proceed with the preferred alternative with conservation measures identified in the FSES. The preferred alternative with conservation measures will make 51,500 acre-feet of water available annually for water sales. Five-thousand acre-feet of this total will be withheld from sales for industrial use to provide conservation flows for identified endangered Colorado River fishes. Also, as part of this alternative an additional 5,000 acre-feet of conservation flows will be made available on an average of at least 4 out of 5 years during the months of July through October through modified operations. Appropriate site-specific NEPA compliance will be required of all water contractors before Round II Ruedi water is delivered. Delivery of marketed water and the endangered species conservation flows may cause some reduced fishability of the Fryingpan River below Ruedi Reservoir in some years when supplemental water demand is high. This proposed action also will cause an increased potential for Ruedi Reservoir to be below the 86,000 acre-foot level during the months of July and August in dry years. When the reservoir level is below 86,000 acre-feet, recreation can be adversely affected. In addition, shortages of 15 percent and 30 percent, respectively, for industrial and municipal/domestic users might be imposed on water contractors in some years under dry conditions.

III. Other Alternatives Considered

In addition to the preferred plan, two alternatives were evaluated in the FSES.

1. The No-Action/Water Sales Alternative was evaluated as the baseline reflecting the current level of sales from Ruedi Reservoir (Round I) and the present reservoir operational criteria.

2. The Preferred Alternative Without Conservation Measures provided a marketable water supply of up to 51,500 acre-feet (including Round I and Round II sales) under a dry-year condition. This alternative would not supply the 10,000 acre-feet of endangered species conservation releases.

#### IV. Basis of Decision and Issues Evaluated

The preferred alternative with conservation measures provides for a level of long-term water sales from Ruedi Reservoir. These sales will provide sufficient revenues to repay reimbursable construction costs which will be in excess of \$7.6 million and pay a portion of the annual operation and maintenance cost. The proposed sale of 51,500 acre-feet of Round II Ruedi Reservoir water will meet these objectives while effectively preserving, protecting, and minimizing harm to the environment. The major criteria used in selecting the preferred alternative were the Fryingpan-Arkansas Project Operating Principles (House Document No. 130, 87th Congress, 1st Session), protection of natural resources, and preservation of economic and recreation values. The commitment for site-specific environmental evaluations and implementation of mitigation where significant impacts are identified will protect the natural resource values within the service area and minimize environmental degradation. The use of Green Mountain Reservoir to mitigate flow-related conservation measure impacts on Ruedi Reservoir and the Fryingpan River can further reduce impacts of the Round II water sales program. Green Mountain Reservoir will be used to mitigate impacts of conservation flows when such use is within the discretionary authority of Reclamation and when it can be delivered without diminishing the sale of Green Mountain Reservoir water below the 20,000 acre-foot level.

#### V. Implementing the Decision and Environmental Commitments

Reclamation has committed to be responsible for the following environmental programs to ensure the protection of natural resources and to establish the appropriate level of mitigation needed when significant impacts are identified during site-specific evaluations:

1. Ensure site-specific NEPA compliance for each water sales contract, with the necessary data and materials provided by the prospective water user;

2. Develop site-specific mitigation plans, where appropriate, for each water sales contract, with the detailed mitigation plan provided by the prospective water user;

3. Implement coordination and consultation of site-specific NEPA compliance and site-specific mitigation plans with Federal and state agencies concerned, such as U.S. Fish and Wildlife Service, U.S. Forest Service, Environmental Protection Agency, U.S. Army Corps of Engineers, and Colorado Department of Natural Resources;

4. Comply with the Endangered Species Act by consulting with the U.S. Fish and Wildlife Service on a case-by-case basis on the secondary, site-specific, nondepletion impacts to endangered species for each project or action resulting from the use of contracted water; and

5. Ensure site-specific compliance with Section 106 of the National Historic Preservation Act.

Reclamation also has the responsibility to meet commitments agreed to in relation to the U.S. Fish and Wildlife Service's Biological Opinion issued June 15, 1987, including:

1. Dedicate Ruedi Reservoir storage water and modify Ruedi Reservoir operations for preservation of habitat conditions in a 15-mile reach of the Colorado River.

2. Sponsor additional fish studies in a 15-mile reach of the Colorado River.

3. Use Green Mountain Reservoir to mitigate impacts of flow-related conservation measures of the biological opinion on Ruedi Reservoir and the Fryingpan River. Such use must be within the discretionary operational authority of Reclamation and conform to Reclamations's ability to deliver the water without diminishing the sale of Green Mountain Reservoir water below the 20,000 acre-foot level.

4. Coordinate an annual meeting to address the projected operation of Ruedi Reservoir for providing conservation flows for the Colorado River endangered fishes and the use of Green Mountain Reservoir to reduce impacts of the conservation flows on Ruedi Reservoir and the Fryingpan River.

5. Deliver no water marketed as Ruedi Round II water until the flow releases for endangered Colorado River fishes are legally protected.

A program will be established to monitor water diversions and to implement necessary mitigation measures prior to delivery of water pursuant to the water sales contracts. All requestors required to implement mitigation measures will provide Reclamation with records of water diversions and periodic reports

describing implementation and effectiveness of mitigation measures. These reports will be evaluated, and if contractors are not implementing the required mitigation measures, water deliveries will be withheld until mitigation is implemented. If mitigation is not implemented within a reasonable time period, Reclamation has provisions to terminate the long-term water supply contracts. Information will be made available to interested agencies and the public on the progress in carrying out the mitigation measures and the environmental commitments.

Following the filing of the FSES on August 1, 1989, five letters of comment were received. Four letters were from Federal agencies and one from a local agency.

The Environmental Protection Agency, in its letter dated September 11, 1989, requested that the ROD include a commitment to ensure site-specific NEPA compliance and to establish whether water will be reserved if a lack of industrial demand materializes. Site-specific NEPA compliance is included as a commitment herein. The water available for marketing from Ruedi Reservoir, as per this ROD, will not be specifically reserved for the oil shale industry. The water will be available to all entities on a first-come first-serve basis as long as site-specific impacts are evaluated and appropriately mitigated.

The Geological Survey noted (letter dated September 6, 1989) the hydrological values presented in the FSES were different than their historical stream gauging values. Also, they noted a discrepancy in the values present in various tables in the FSES. The values presented in the FSES are from Reclamation's operational model which simulated flows for past water years using current use operational data for the baseline. They are not actual historical values. A comparison of tables 3.2 and 4.3 does reveal an error in table 3.2 for May of a dry year. The value should be 110 cubic feet per second (ft<sup>3</sup>/s) rather than 300 ft<sup>3</sup>/s. The other differences are very small and are basically due to rounding and minor changes in the hydrology modeling that was not updated in table 3.2. These variations are extremely minor and are insignificant.

The Ruedi Water and Power Authority (letter dated September 7, 1989) requested Reclamation commit to the use of Green Mountain Reservoir to mitigate conservation flow impacts and the withholding of water from sales to offset the entire 10,000 acre-feet of conservation flows. A commitment to use Green Mountain Reservoir to mitigate conservation flow impacts is included herein (see commitments). The additional 5,000 acre-feet of conservation releases Ruedi Water and Power Authority wants withheld from sale is water which is proposed to be released earlier in the year (July-October) rather than during the winter. This water is only required to be released in 4 out

of every 5 years and will not be released when sufficient water is unavailable in the reservoir.

The White River National Forest, in letters dated September 6, 1989, and October 24, 1989, provided comments on the final FSES. A meeting was conducted between representatives of the Eastern Colorado Projects Office and the White River National Forest to provide a better understanding of the overall NEPA process for the project from its initiation in 1983 through completion of the FSES in 1989. After discussion of the issues contained in the September 6, 1989, letter, the Forest Service requested the opportunity to comment further. Their current position on the FSES is contained in the October 24, 1989, letter. Forest Service concerns are maintenance of the recreational pool in Ruedi Reservoir, provision of conservation flows for the endangered fishes of the Colorado River, and provision of flushing flows in the Fryingpan River. One of the major elements used in selecting 51,500 acre-feet of sales was to ensure the 86,000 acre-foot reservoir pool would be maintained in most years for the continued enhancement of recreational values. The alternative selected provides for the conservation flows for the endangered fish that were of concern to the Forest Service. In response to the Forest Service's request for flushing flows in the Fryingpan River, Reclamation will coordinate with the Forest Service, U.S. Fish and Wildlife Service, and the Colorado Division of Wildlife on an annual basis concerning availability of water for such activities and need for such flows. Reclamation believes there is sufficient latitude in its discretionary operations at Ruedi Reservoir to provide such flows as often as 2 out of 5 years. Reclamation would supply the water for flushing flows during spring runoff when sufficient water is available. All public involvement associated with the flushing flows would be the responsibility of the requesting agencies.

There are no unresolved issues.

Approved:

Date

1-5-1990

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Regional Director

James M. [Signature]

Date

1-16-1990

Deputy Commissioner

[Signature]  
Deputy Commissioner